

9 FAM Appendix G, 400 WASHINGTON AGENCY NAME CHECKS

(TL:VISA-400; 04-24-2002)

9 FAM 401 GENERAL GUIDANCE

(TL:VISA-272; 05-09-2001)

a. Washington agency name checks are required for visa applicants designated in the "Special Clearance and Issuance Procedures" pertaining to the applicant's country of nationality [see 9 FAM Appendix G 103.2]. Consular posts should submit name check requests telegraphically in the "VISAS EAGLE" format for nonofficial applicants and in either the "VISAS HORSE" or "VISAS PEGASUS" format for official visitors. Posts must check the applicant's name through CLASS prior to submitting a Washington agency name check request. The Department will not respond to name check requests unless derogatory information is developed which affects the applicant's visa eligibility.

b. Name check telegrams serve two important functions:

(1) They initiate checks of the records of U.S. Government agencies responsible for national security; and

(2) They provide concerned agencies with important biographic and travel information on individuals coming to the United States. Even when the results of name checks are negative, as they usually are, the recipient agencies remain interested in the biographic and travel data provided.

9 FAM 402 DISTINCTIONS BETWEEN WASHINGTON AGENCY NAME CHECKS AND SECURITY ADVISORY OPINIONS

(TL:VISA-272; 05-09-2001)

a. "VISAS EAGLE" name check telegrams are transmitted directly to the interested Washington agencies and, unlike SAO requests, do not come to the attention of a Department officer unless derogatory information is developed. Therefore, if a post wishes to expedite completion of a name check, or if the post is requesting Departmental action or information on a case requiring a name check, it must submit a "VISAS DONKEY" security advisory opinion request rather than a "VISAS EAGLE" name check cable.

b. If both Washington agency name checks and a security advisory opinion (SAO) are required in an applicant's case posts need only submit the latter since the processing of SAO requests always includes the completion of name checks. While posts may often process Washington agency name checks on a post-check basis, no visa may be issued once an SAO has been requested until the Department's response has been received.

9 FAM 403 TIME REQUIRED TO COMPLETE NAME CHECKS

(TL:VISA-272; 05-09-2001)

Consular officers may consider a Washington agency name check completed 15 working days after the submission of the telegraphic request or 10 working days in the case of applicants from the People's Republic of China and Vietnam. At the consular officer's discretion and subject to any pertinent country-specific clearance instructions, most nonimmigrant visas may be issued prior to the completion of required name checks.

9 FAM 404 PRE-CHECK AND POST-CHECK REQUIREMENTS

(TL:VISA-272; 05-09-2001)

a. When Washington agency name checks are required for "K" nonimmigrant visa applicants, immigrant visa applicants, and applicants for refugee status, posts must check all appropriate sources of information. Such documents may not be issued on a post-check basis.

b. Normally, posts may issue nonimmigrant visas (other than "K" visas) on a post-check basis except for a check of CLASS and pertinent post records. This policy does not apply if a security advisory opinion is required [see 9 FAM Appendix G, 500], or if the "Special Clearance and Issuance Procedures" for the applicant's country of nationality indicate a pre-check must be conducted.

9 FAM 405 VALIDITY PERIODS FOR NAME CHECKS

(TL:VISA-272; 05-09-2001)

a. Unless otherwise indicated in the "Special Clearance and Issuance Procedures" pertaining to the applicant, the Department considers "VISAS EAGLE" name checks (for nonofficial travel) to be valid for one year. Consular officers may extend this period for a reasonable time if the officer determines such an extension is warranted.

b. For official or diplomatic travel, consular posts must submit a "VISAS HORSE" or a "VISAS PEGASUS" telegram each time an "A", "C-3", or "G" visa is issued to an applicant requiring a name check.

9 FAM 406 AGE REQUIREMENTS FOR NAME CHECKS

(TL:VISA-272; 05-09-2001)

Unless otherwise specified in the "Special Clearance and Issuance Procedures" for the country in question, name checks, when required, must be conducted only on applicants between the ages of 16 and 80.

9 FAM 407 "VISAS EAGLE MANTIS AND VISAS DONKEY MANTIS" NAME CHECK REQUESTS

(TL:VISA-400; 04-24-2002)

a. *VISAS MANTIS cables must be sent for all cases (business, education, training, scientific exchange) that fall under the purview of INA 212(a)(3)(A)(i)(II) and involving fields on the Technology Alert List (TAL). While restrictions on the export of goods and controlled technologies apply to nationals of all countries, special scrutiny is required for applicants from countries on the list of state sponsors of terrorism: Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria.*

b. *The VISAS EAGLE MANTIS is the preferred pre-issuance clearance procedure for USG-sponsored applicants, as well as for persons (such as students) previously cleared through the MANTIS Program and are returning to complete exactly the same program. In such cases of returning applicants, it is permissible for the post to send a post-issuance VISAS EAGLE MANTIS regardless of where the applicant is applying, provided the CLASS check reveals no ineligibility code related to the violation of possible INA ineligibility. The post-issuance VISA EAGLE must include all the information normally required for a first-time applicant.*

c. *The VISA DONKEY MANTIS is used for nationals of the People's Republic of China applying outside China. The VISAS DONKEY MANTIS must be used for the initial visa application and the VISAS EAGLE MANTIS may be used for subsequent applications.*

d. *Several countries are subject to Presidential proclamations, as defined in INA 212(f). Countries presently subject to such proclamations are: Angola, Bosnia, Burma, Cuba, Liberia, the Federal Republic of Yugoslavia, Sierra Leone and Sudan. The texts of the Presidential proclamations can be found in 9 FAM Appendix C under "Special Clearance Procedures" for the appropriate country.*

e. *INA 219 authorizes the Secretary to designate an organization as a terrorist organization if:*

(1) *organization is a foreign organization;*

(2) *The organization engages in terrorist activity (as defined in INA 212(a)(3)(b)); and*

(3) *The terrorist activity of the organization threatens the security of U.S. nationals or the national security of the United States. See list of designated foreign terrorist organizations.*

9 FAM 408 VISAS EAGLE MANTIS VS. VISAS DONKEY MANTIS

(TL:VISA-272; 05-09-2001)

a. When determining whether to send a VISAS EAGLE MANTIS or VISAS DONKEY MANTIS cable, please be mindful that a VISAS DONKEY MANTIS cable is mandatory for all applicants bearing passports of or employed by states designated as state sponsors of terrorism who seek to engage in a commercial exchange or academic pursuit involved in one of the critical fields on the Technology Alert List. Presently, seven countries are on the Department's list of state sponsors of terrorism: Cuba, Libya, Iran, Iraq, North Korea, Sudan and Syria.

b. VISAS EAGLE MANTIS and VISAS DONKEY MANTIS are pre-check name check procedures used for visa applicants in any visa category, when an applicant falls under the purview of INA 212(a)(3)(A)(i)(II). The VISAS EAGLE MANTIS procedure is a no-response pre-check procedure that permits a visa issuing post to process a case to conclusion after a ten-working day suspense period. Post is not required to await a department reply. This procedure may be used for all US-sponsored visa applicants, including but not limited to U.S. Government agencies and/or entities such as Department of Energy (DOE), a DOE-contracted national laboratory, USAID, Department of Defense (DOD), DOD-contract agents, NASA, etc. Posts should forward time-sensitive cases that cannot wait until the conclusion of the ten working-day suspense period to VO as VISAS DONKEY MANTIS, noting it is an expedited request in the subject line. The cable text must include the reason expedited handling has been requested (i.e., unforeseen imminent travel, medical emergency).

c. The VISAS DONKEY MANTIS procedure is a pre-check procedure that requires a visa issuing post to await department authorization before it may process a case to conclusion. It is used for any visa applicant subject to (3)(a)(i)(ii) who does not qualify for the VISAS EAGLE MANTIS procedure.

9 FAM 409 DURATION OF MANTIS

(TL:VISA-272; 05-09-2001)

a. Unless otherwise notified, a VISAS MANTIS clearance (EAGLE or DONKEY) will remain in effect for the duration of the USG-sponsored applicant's program, provided there are no changes in the organization for which subject works or in the subject's program. In other words, as long as a subject will perform the same duties and/or functions and will conduct the same work assignment/participate in the same program at the same facility and/or organization, post will not be required to initiate a new VISAS MANTIS review. A change in the duties and/or function or assignment/program or facility and/or organization would demand a new MANTIS review. During the course of the visa interview, CONSULAR OFFICERS must inquire whether anything has changed in the applicant's program. This particular modification to the VISAS MANTIS program should prove beneficial to posts adjudicating visa applications of nationals from countries that do not have liberal reciprocity schedules. For example, in the past, when VISAS MANTIS-cleared nationals from the People's Republic of China (PRC) and briefly departed the U.S. to participate in conferences outside the U.S., some posts have sent VISAS MANTIS cables on the PRC nationals to allow their return to the same national laboratory assignment or university program that was vacated only a few days/weeks prior. Although a new VISAS MANTIS cable (or a new MANTIS review) in such cases will no longer be required, post are requested to send a visas EAGLE MANTIS cable on a post-check repeat post-check basis in such cases. The prior visa may serve as proof the applicant previously completed the MANTIS clearance process. Henceforth, posts may assist with the tracking of MANTIS clearance by annotating the visa with the VISAS EAGLE MANTIS cable number (for example, EAGLE MANTIS 99 post 999999) or, in the case of VISAS DONKEY MANTIS, the state authorization cable number (for example, DONKEY MANTIS 99 state 999999).

b. Posts occasionally inquire whether a new VISAS MANTIS (EAGLE or DONKEY) cable is required for students (F-1), exchange visitors (J-1), or temporary workers (H-1) who have briefly departed the U.S. to attend conferences or to make other short visits outside of the U.S. Effective immediately, any F-1, J-1 and H-1 visa applicant (regardless of nationality) who has departed the U.S. for a short term--not more than thirty (30) days -- does not require a new MANTIS cable (DONKEY or ten-day EAGLE). However, posts are instructed to send a VISAS EAGLE MANTIS cable on a post-check basis for any applicant who falls in this category. Please note in the subject line, returning scholar, returning exchange visitor or returning temporary worker, whichever is applicable, and include in the remarks the nature of the conference the applicant attended or the nature of business the applicant conducted while outside the U.S. This exceptional post-check VISAS EAGLE MANTIS procedure should facilitate travel for nationals from countries with a conservative visa reciprocity schedule.

9 FAM 410 PRE-CLEARANCE

(TL:VISA-272; 05-09-2001)

a. Some USG-sponsoring agencies have inquired whether it is possible to pre-clear program participants. VO and the law enforcement/intelligence community have determined that it will not be possible to pre-clear individual visa applicants as a matter of routine, due to the high volume of cases and the limited resources available to conduct individual pre-clearances. On the other hand, it was determined that USG-sponsoring agencies could facilitate the MANTIS review for participants in a given program in the bng term by providing to the law enforcement and/or intelligence community a program description that may satisfy concerns regarding the planned activities for visa applicants visiting the U.S. as participants in such program. We are hopeful that once a database on the pre-cleared USG-sponsored programs is established, more familiarity with a program will facilitate processing for individual applicants, since only the applicant's biographical data and occupational history would be reported as new information. Replacement program participants presumably would be processed expeditiously because the program would already be familiar to all the concerned agencies and the only new information would be the visa applicant's biographical information and his travel-related data.

b. While we expect that most program pre-clearance requests will be initiated in the U.S., we anticipate some USG-sponsoring agencies with representation at U.S. posts abroad may wish to initiate program pre-clearance requests for some programs. Program pre-clearance requests initiated by U.S. posts abroad should be submitted only in the VISAS DONKEY MANTIS format, as the interagency review for a USG-sponsored program will take more than fifteen (15) working days to complete. The visa office's role in the interagency program pre-clearance process will be to:

(1) Send an acknowledgement (no later than fifteen working days) of having received post's request for a program pre-clearance; and

(2) Send the subsequent notification to post reporting the interagency decision on the program pre-clearance request.

9 FAM 411 OFFICIAL TRAVEL: "VISAS HORSE" AND "VISAS PEGASUS" NAME CHECK REQUESTS

(TL:VISA-272; 05-09-2001)

Washington agency name checks on "A", "C-3", and "G" official visitors, when required, are always conducted on a post-check basis, except for the mandatory check of CLASS. They are usually requested by means of a "VISAS HORSE" telegram, although the "VISAS PEGASUS" procedure may also be used by designated posts in very limited circumstances [See 9 FAM Appendix C, 404.3-2]. Examples of telegraphic formats are shown in 9 FAM Appendix E, 302. All name check requests on official and diplomatic applicants must include "DIRFBI WASHDC" as an action addressee. Cables on "G" visa recipients who are destined for the United Nations must be directed to "IO/UNP" and "USUN" as info addressees.

9 FAM 412 "VISAS HORSE" NAME CHECKS

(TL:VISA-272; 05-09-2001)

Consular posts must submit a "VISAS HORSE" name check request immediately following the issuance of an "A", "C-3", or "G" visa to any applicant who requires one per the instructions in the "Special Clearance and Issuance Procedures" for the applicant's country of nationality. The telegram must contain the official's name (including aliases and/or alternate spellings), date and place of birth, nationality, title and position, the organization to which destined, classification of visa, type of passport, date of last visa issuance (if any), and date the application was received. A complete citation of any CLASS entry must be reported, as must any derogatory information available. Consular posts must also provide a complete itinerary, including port of entry, date of arrival, flight or other travel data, and information on any planned travel while in the United States.

9 FAM 413 "VISAS PEGASUS" NAME CHECKS

(TL:VISA-272; 05-09-2001)

a. The "PEGASUS" procedure is one which authorizes consular officers at posts in the countries of the Commonwealth of Independent States (CIS) to issue single-entry "A-1" or "A-2" visas on a post-check basis to nationals of CIS countries who are in CLASS as "DPT-00" entries, and who are coming to the United States to attend pre-ministerial, ministerial, pre-summit, summit, or White House meetings. The "PEGASUS" procedure may only be used by consular officers in CIS countries, and is the only instance in which aliens who are "DPT-00" CLASS entries may be issued visas without the Department's prior security advisory opinion. All non-CIS posts must submit "VISAS BEAR" security advisory opinion requests for the applicants described above.

b. The issuance of a visa under this procedure must be reported to the Department immediately by means of a "VISAS PEGASUS" name check telegram slugged for CA/VO/L/C and EUR/AO/SVIS. The cable must include the official's name (including aliases and/or alternate spellings), nationality, date and place of birth, title or position, type of passport, visa classification, purpose of visit, length of stay, and complete itinerary. Posts must also provide a full citation of the "DPT-00" CLASS entry, including any "free field" notation.